

1 **EMPLOYMENT RESTRICTIONS ON STATE**

2 **AGENCY EMPLOYEES**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Scott Daniels**

6 **This act modifies the Utah Public Officers' and Employees' Ethics Act by prohibiting**
7 **certain state employees from negotiating for current or future employment with certain**
8 **regulated entities.**

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 ENACTS:

11 **67-16-4.5**, Utah Code Annotated 1953

12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section **67-16-4.5** is enacted to read:

14 **67-16-4.5. Prohibition on negotiating for current or future employment with**
15 **regulated entity -- Time constraints on future employment.**

16 (1) As used in this section:

17 (a) "Employment " means services provided for compensation, whether as an
18 employee, independent contractor, partner, joint venturer, owner, or otherwise.

19 (b) "Participate in regulating" means action taken as an officer or employee through
20 decision, approval, disapproval, recommendation, the rendering of advice, investigation, or
21 similar action.

22 (c) "Regulated entity" means:

23 (i) a public utility as defined in Subsection 54-2-1(15);

24 (ii) a person or entity required to have an operating permit under Section 19-2-109.1;

25 (iii) a person or entity required to be licensed or registered as a radiation source under
26 Section 19-3-104;

27 (iv) a person or entity required to have a discharge permit under Section 19-5-108;



28 (v) a person or entity required to have an operating plan approval or an operating
29 permit for the treating, storing, disposing, or reprocessing of waste under Section 19-6-108; or

30 (vi) a principal or agent of any of the persons or entities referred to in Subsections
31 (1)(c)(i) through (v).

32 (d) "Regulating authority" means:

33 (i) the Public Service Commission;

34 (ii) the Department of Environmental Quality and its divisions;

35 (iii) the Radiation Control Board;

36 (iv) the Air Quality Board;

37 (v) the Water Quality Board; or

38 (vi) the Solid and Hazardous Waste Control Board.

39 (2) An employee of a regulating authority may not:

40 (a) during the period of employment, negotiate for current or future employment with
41 any regulated entity that the employee substantially participated in regulating within the
42 previous five years; or

43 (b) for a period of three years from the date employment ends with a regulating
44 authority, accept employment with a regulated entity that the employee had substantially
45 participated in regulating within the last five years of employment with the regulating authority.

Legislative Review Note

as of 2-17-03 10:54 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel